

REPORT OF THE COMMITTEE ON
ENROLLED BILLS

Committee Room,
Austin, Texas, October 30, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 6, Granting Oscar
Flowers permission to sue the State
of Texas.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

FIFTH DAY

(Continued)

(Thursday, October 31, 1935)

The House met at 9:30 o'clock a. m.,
and was called to order by Speaker
Stevenson.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Adkins was granted leave of
absence for today, on account of ill-
ness, on motion of Mr. Jones of Falls.

Mr. Greathouse was granted leave
of absence for today, on account of
important business, on motion of Mr.
Wells.

Mr. Head was granted leave of ab-
sence for this morning, on account of
illness, on motion of Mr. Wells.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence
of the House, after giving due notice
thereof, and its caption had been read,
the following enrolled bill:

H. B. No. 54, "An Act to amend
Article 2956 Revised Civil Statutes of
Texas of 1925, as amended by the Reg-
ular Session of the Forty-fourth
Legislature, etc., and declaring an
emergency."

HOUSE BILL NO. 46 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House,
as pending business, on its passage
to engrossment,

H. B. No. 46, A bill to be entitled
"An Act levying and imposing occu-
pation taxes, in addition to those now
prescribed by law on certain indus-

tries and public utilities; and natural
resources, such as gas, sulphur and
oil; providing for certain exemptions
and defining terms used in the Act;
taxes on soft drinks; etc., and declar-
ing an emergency."

The bill having heretofore been read
second time, with amendment by Mr.
Dunlap of Hays, and amendment by
Mr. Worley to the amendment, pend-
ing.

The House having agreed to con-
sider the bill section by section.

(Mr. Walker in the Chair.)

Question recurring on the amend-
ment by Mr. Worley, it was adopted.

On motion of Mr. Cooper, the
amendment by Mr. Dunlap of Hays,
as amended, was tabled.

Mr. Wells moved the previous ques-
tion on the amendments on the Speak-
er's desk, and the passage of House
Bill No. 46 to engrossment, and the
motion was duly seconded.

Question recurring on the motion
for the main question, yeas and nays
were demanded.

The motion was lost by the follow-
ing vote:

Yeas—44

Alexander	Lemens
Alsup	Lotief
Atchison	Lucas
Bradbury	McFarland
Calvert	McKee
Crossley	McKinney
Davison of Fisher	Payne
Davisson	Petsch
of Eastland	Reader
Ford	Reed of Bowie
Frazer	Reed of Dallas
Glass	Shofner
Gray	Stinson
Harris of Archer	Tarwater
Harris of Dallas	Thornton
Herzik	Tillery
Holland	Venable
Hunt	Waggoner
Hunter	Wells
Jefferson	Westfall
Jones of Shelby	Worley
Jones of Wise	Young
Knetsch	

Nays—59

Adamson	Butler of Karnes
Aikin	Cagle
Bergman	Caldwell
Bourne	Canon
Bradford	Celaya
Broyles	Clayton
Burton	Cooper

Craddock	Morrison
Davis	Morse
Dickison	Newton
Dunlap of Hays	Nicholson
Dwyer	Olsen
Fain	Palmer
Farmer	Patterson
Fox	Quinn
Gibson	Roach of Angelina
Graves	Roach of Hunt
Hankamer	Roane
Hardin	Roark
Hodges	Rogers
Hoskins	Russell
Howard	Rutta
Huddleston	Scarborough
Jackson	Steward
Lanning	Stovall
Luker	Tennyson
Mauritz	Wood of Harrison
McCalla	Wood of Montague
McConnell	Youngblood
Moffett	

Present—Not Voting

Walker

Absent

Ash	Jones of Atascosa
Beck	Jones of Falls
Butler of Brazos	Keefe
Collins	King
Colquitt	Lange
Colson	Latham
Cowley	Leath
Dunagan	Leonard
Dunlap of Kleberg	Lindsey
Duvall	Morris
England	Padgett
Fisher	Riddle
Fuchs	Roberts
Good	Sessions
Hanna	Settle
Hartzog	Smith
Hill	Spears
Hofheinz	Stanfield
James	

Absent—Excused

Adkins	Head
Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

Mr. Nicholson moved a call of the House for the purpose of maintaining a quorum until 12:00 o'clock m., today, and the call was duly ordered.

On motion of Mr. Farmer, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

Mr. Spears offered the following amendment to the bill:

Amend House Bill No. 46, by striking out all of Section 13, and substitute the following:

"Section 13. For the purpose of providing sufficient funds to pay the old age assistance benefits provided in this Act there is hereby levied the following tax; said tax to be in addition to the tax provided by subsection 40a, of Section 1, Chapter 212 of the Acts of the Regular Session of the Forty-second Legislature:

"(a) Each person, firm of persons, association or corporation who owns, controls, leases or operates any sulphur mine, well or shafts, or who produces sulphur by any method, system or manner within this State, shall make quarterly, on the first day of January, April, July and October of each year, a report to the State Comptroller, sworn to by such person before an officer authorized to administer oaths in this State; or if such person be other than an individual, sworn to by its president, secretary or other duly authorized officer, on such form as the Comptroller shall prescribe, showing the total amount of sulphur produced within this State by said person, firm of persons, association or corporation during the quarter next preceding; and at the time of making such report shall pay to the Treasurer of the State of Texas as occupation tax for the quarter ending on said date, in addition to the occupation tax provided for in and by subdivision 40a of Section 1, Chapter 212, House Bill No. 251 of the Acts of the Regular Session of the Forty-second Legislature, an amount equal to fifty cents per long ton, or fraction thereof, of all sulphur produced by said person, firm of persons, association or corporation within the State of Texas during said quarter. Should any person, firm of persons, association or corporation subject to the additional occupation tax herein levied begin business after the beginning of a quarter, the amount of tax which such person, firm of persons, association or corporation shall pay for the first quarter immediately succeeding the quarter in which the business was begun shall be ascertained by adding the total number of tons produced during the last quarter, dividing the same by the number of days such person, firm of persons, association or corporation was engaged in business during said preceding quarter

and multiply the quotient by ninety, and multiply the product by fifty cents (50c).

"(b) Said tax as is provided for in this section shall not be in lieu of, but shall be in addition to the occupation tax imposed upon such person, firm of persons, association or corporation by House Bill No. 251 of the Acts of the Regular Session of the Forty-second Legislature, and particularly subdivision 40-a of Section 1, Chapter 212, of said Act.

"(c) It is further specifically provided that the additional occupation tax levied herein, and the occupation tax levied by virtue of subdivision 40a, Section 1, Chapter 212 of House Bill No. 251 of the Acts of the Regular Session of the Forty-second Legislature shall be in lieu of the tax imposed by House Bill No. 2, Chapter 74, of the Acts of the Fifth Called Session of the Forty-first Legislature, but said tax herein levied together with the tax levied by subdivision 40a of Section 1, Chapter 212, House Bill No. 251, Acts of the Regular Session of the Forty-second Legislature shall be paid in the manner, subject to the same penalties, and under the same conditions as provided in said Act, except that, under subdivision 40a of Section 1, Chapter 212, House Bill No. 251, Acts of the Regular Session of the Forty-second Legislature fifty-five (55c) cents of said fund shall go to the Available School Fund and twenty (20c) cents of said fund shall be paid to the General Fund; whereas, the fifty (50c) cents additional occupation tax herein levied shall go to and be deposited to the credit of the Old Age Assistance Fund for the purpose of paying the old age assistance benefits provided for in this Act."

SPEARS,
FAIN.

Mr. Roane offered the following amendment to the amendment by Mr. Spears:

Amend the Spears amendment by striking out the words and figures "fifty (50c) cents" wherever the same may appear, and insert in lieu thereof the words and figures "nine (9c) cents."

Mr. Shofner moved that the House Rule relative to debate, be suspended, at this time, and that debate on amendments to Section 13 of House

Bill No. 46, be limited to three minutes for each speaker.

The motion was lost.

Mr. Frazer moved to table the amendment by Mr. Roane.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—97

Adamson	James
Aikin	Jones of Falls
Alexander	Jones of Shelby
Alsup	Jones of Wise
Ash	Knetsch
Atchison	Lanning
Beck	Leath
Bourne	Lemens
Bradbury	Leonard
Bradford	Lindsey
Burton	Lotief
Butler of Brazos	Lucas
Cagle	McCalla
Calvert	McConnell
Canon	McFarland
Collins	McKee
Colquitt	Moffett
Craddock	Morris
Crossley	Morrison
Davis	Newton
Davison of Fisher	Olsen
Davisson	Palmer
of Eastland	Patterson
Dickison	Payne
Dunagan	Petsch
Dunlap of Hays	Reader
Dunlap of Kleberg	Reed of Bowie
England	Riddle
Fain	Roach of Angelina
Farmer	Roach of Hunt
Ford	Roark
Fox	Roberts
Frazer	Rogers
Fuchs	Sessions
Gibson	Shofner
Glass	Smith
Good	Spears
Graves	Stovall
Gray	Tarwater
Hanna	Tennyson
Hardin	Tillery
Harris of Archer	Venable
Harris of Dallas	Waggoner
Herzik	Westfall
Hodges	Wood of Harrison
Hofheinz	Wood of Montague
Holland	Worley
Hunt	Young
Hunter	Youngblood

Nays—37

Bergman	King
Broyles	Latham
Butler of Karnes	Luker
Caldwell	Mauritz
Celaya	McKinney
Clayton	Morse
Colson	Nicholson
Cooper	Quinn
Cowley	Reed of Dallas
Duvall	Roane
Dwyer	Russell
Hankamer	Scarborough
Hartzog	Settle
Hill	Stanfield
Hoskins	Steward
Howard	Stinson
Huddleston	Thornton
Jackson	Wells
Jefferson	

Present—Not Voting

Walker

Absent

Fisher	Lange
Jones of Atascosa	Padgett
Keefe	Rutta

Absent—Excused

Adkins	Head
Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

Mr. Frazer moved to table the amendment by Mr. Spears.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—81

Adamson	Davison of Fisher
Alexander	Davisson
Ash	of Eastland
Atchison	Dunagan
Bergman	Dunlap of Hays
Bradford	Dunlap of Kleberg
Broyles	Duvall
Butler of Brazos	Dwyer
Butler of Karnes	Fisher
Caldwell	Frazer
Canon	Gibson
Celaya	Good
Clayton	Hankamer
Collins	Hanna
Colquitt	Harris of Archer
Colson	Harris of Dallas
Cooper	Hartzog
Cowley	Hill
Crossley	Hodges

Hofheinz	Nicholson
Holland	Olsen
Hoskins	Quinn
Howard	Reader
Huddleston	Reed of Dallas
Jackson	Riddle
James	Roane
Jefferson	Roark
Jones of Atascosa	Roberts
King	Russell
Knetsch	Rutta
Lanning	Scarborough
Latham	Settle
Leath	Smith
Lemens	Stanfield
Leonard	Steward
Mauritz	Stinson
McCalla	Thornton
McFarland	Waggoner
McKee	Wells
McKinney	Wood of Montague
Morse	Young

Nays—55

Aikin	Lindsey
Alsup	Lotief
Beck	Lucas
Bourne	Luker
Bradbury	McConnell
Burton	Morris
Cagle	Newton
Calvert	Palmer
Craddock	Patterson
Davis	Payne
Dickison	Petsch
England	Reed of Bowie
Fain	Roach of Angelina
Farmer	Roach of Hunt
Ford	Rogers
Fox	Sessions
Fuchs	Shofner
Glass	Spears
Graves	Stovall
Gray	Tarwater
Hardin	Tennyson
Herzik	Tillery
Hunt	Venable
Hunter	Westfall
Jones of Falls	Wood of Harrison
Jones of Shelby	Worley
Jones of Wise	Youngblood
Keefe	

Present—Not Voting

Walker

Absent

Lange	Morrison
Moffett	Padgett

Absent—Excused

Adkins	Head
Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

Question—Shall House Bill No. 46 pass to engrossment?

REASONS FOR VOTE

We voted for the Spears amendment to increase the sulphur production tax fifty cents per long ton, and when this was defeated we voted for his amendment to increase said tax twenty five cents per long ton instead of fifteen cents for the following reasons: "The sulphur industry in Texas enjoys a virtual world monopoly. The industry in a comparatively short span of years has done a gross business of approximately Four Hundred Millions of Dollars. Their net income has been more than Two Hundred Millions of Dollars after the payment of all expenses of every character. The industry has upon a conservative estimate more than One Billion Dollars in sulphur alone, excluding the value of their plants and equipment, and are paying taxes only upon approximately a Thirty Million Dollar valuation. They have averaged a yearly net income of over Eight Millions of Dollars, and the Spears amendment of fifty cents would have cost them only a Half Million Dollars per year, which would have left them an average net profit of Seven Million Five Hundred Thousand Dollars per year. This industry has practically no competition, and less than one per cent of the sulphur produced is consumed in Texas.

"As a further reason we find from the facts produced that one company alone, namely, the Texas Gulf Sulphur Company, upon a Six Million Three Hundred Thousand Dollar investment has made a net profit of over One Hundred and Twenty Millions of Dollars. This company has paid to its stockholders more than Eighty-nine Millions of Dollars in dividends, and has a surplus of more than Thirty-two Millions of Dollars. In addition to this the company has over two million tons of sulphur which, at \$18.00 per ton, is worth approximately Thirty-two Millions of Dollars. All of this has been accomplished upon the original investment without any increase in capital. This company has earned its investment back seventeen times, and paid its stockholders more than thirteen times.

"We feel that this industry is unquestionably able to pay this increase without detriment of any kind. They are not justly taxed, and a fifteen

cents increase is just a 'noble gesture.' The old age pension must be paid, and these 'special interests' should be made to carry a reasonable share of the load, because they are making millions of dollars in profits yearly. The average person is not able to pay, and unless these 'powerful interests' are made to pay their just share, a general sales tax will be placed upon the backs of the people which is not only unfair and unjust but is a tax upon poverty. We assign these reasons because we will not vote a general sales tax upon the people under any circumstances, and we feel that if the proper tax were placed upon the special interests it would not become necessary."

MORRIS,
HARDIN,
DICKISON,
SHOFNER,
SPEARS,
BRADBURY,
NEWTON,
GRAVES,
JONES of Wise.

RECESS

On motion of Mr. Reed of Dallas, the House at 12:15 o'clock p. m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 46 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 46, relative to levying and imposing certain occupation taxes.

The bill having heretofore been read second time.

Mr. Spears offered the following amendment to the bill:

Amend House Bill No. 46, by striking out all of Section 13, and substitute the following:

"Section 13. For the purpose of providing sufficient funds to pay the old age assistance benefits provided in this Act, there is hereby levied the following tax; said tax to be in addition to the tax provided by subdivision 40a, of Section 1, Chapter 212 of the

Acts of the Regular Session of the Forty-second Legislature:

"(a) Each person, firm of persons, association or corporation who owns, controls, leases or operates any sulphur mine, well or shafts, or who produces sulphur by any method, system or manner within this State, shall make quarterly, on the first day of January, April, July and October of each year, a report to the State Comptroller, sworn to by such person before an officer authorized to administer oaths in this State; or if such person be other than an individual, sworn to by its president, secretary or other duly authorized officer, on such form as the Comptroller shall prescribe, showing the total amount of sulphur produced within this State by said person, firm of persons, association or corporation during the quarter next preceding; and at the time of making such report shall pay to the Treasurer of the State of Texas as occupation tax for the quarter ending on said date, in addition to the occupation tax provided for in and by subdivision 40a of Section 1, Chapter 212, House Bill No. 251 of the Acts of the Regular Session of the Forty-second Legislature, an amount equal to twenty-five (25c) cents per long ton, or fraction thereof, of all sulphur produced by said person, firm of persons, association or corporation within the State of Texas during said quarter. Should any person, firm of persons, association or corporation subject to the additional occupation tax herein levied begin business after the beginning of a quarter, the amount of tax which such person, firm of persons, association or corporation shall pay for the first quarter immediately succeeding the quarter in which the business was begun shall be ascertained by adding the total number of tons produced during the last quarter, dividing the same by the number of days such person, firm of persons association or corporation was engaged in business during said preceding quarter and multiply the quotient by ninety, and multiply the product by twenty-five (25c) cents.

"(b) Said tax as is provided for in this section shall not be in lieu of, but shall be in addition to the occupation tax imposed upon such person, firm of persons, association or corporation by House Bill No. 251 of the Acts of the Regular Session of the

Forty-second Legislature, and particularly subdivision 40a of Section 1, Chapter 212, of said Act.

"(c) It is further specifically provided that the additional occupation tax levied herein, and the occupation tax levied by virtue of subdivision 40a, Section 1, Chapter 212 of House Bill No. 251 of the Acts of the Regular Session of the Forty-second Legislature shall be in lieu of the tax imposed by House Bill No. 2, Chapter 74, of the Acts of the Fifth Called Session of the Forty-first Legislature, but said tax herein levied together with the tax levied by subdivision 40a of Section 1, Chapter 212, House Bill No. 251, Acts of the Regular Session of the Forty-second Legislature shall be paid in the manner, subject to the same penalties, and under the same conditions as provided in said Act, except that, under subdivision 40a of Section 1, Chapter 212, House Bill No. 251, Acts of the Regular Session of the Forty-second Legislature fifty-five (55c) cents of said fund shall go to the Available School Fund and twenty (20c) cents of said fund shall be paid to the General Fund; whereas, the twenty-five (25c) cents additional occupation tax herein levied shall go to and be deposited to the credit of the Old Age Assistance Fund for the purpose of paying the old age assistance benefits provided for in this Act."

SPEARS,
FAIN.

Mr. Frazer moved to table the amendment by Mr. Spears.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—74

Adamson	Colson
Alexander	Cooper
Ash	Cowley
Atchison	Crossley
Bergman	Davisson
Bradford	of Eastland
Broyles	Dunagan
Butler of Brazos	Dunlap of Hays
Butler of Karnes	Dunlap of Kleberg
Caldwell	Duvall
Canon	Dwyer
Celaya	Fisher
Clayton	Frazer
Collins	Gibson
Colquitt	Hankamer

Hanna	McKinney
Harris of Dallas	Morse
Hartzog	Nicholson
Hill	Olsen
Hofheinz	Padgett
Holland	Patterson
Hoskins	Quinn
Howard	Reader
Hunter	Reed of Dallas
Jackson	Riddle
James	Roane
Jefferson	Roberts
Jones of Atascosa	Russell
King	Scarborough
Knetsch	Settle
Lanning	Smith
Latham	Steward
Leonard	Stinson
Luker	Thornton
Mauritz	Waggoner
McCalla	Young
McFarland	Youngblood
McKee	

Nays—60

Adkins	Leath
Aikin	Lemens
Alsup	Lindsey
Beck	Lotief
Bourne	Lucas
Bradbury	McConnell
Burton	Morris
Calvert	Morrison
Craddock	Newton
Davis	Palmer
Davison of Fisher	Payne
Dickison	Petsch
Fain	Reed of Bowie
Farmer	Roach of Angelina
Ford	Roach of Hunt
Fox	Roark
Fuchs	Rutta
Glass	Sessions
Good	Shofner
Graves	Spears
Gray	Stovall
Hardin	Tarwater
Harris of Archer	Tennyson
Herzik	Tillery
Hodges	Venable
Huddleston	Wells
Hunt	Westfall
Jones of Falls	Wood of Harrison
Jones of Wise	Wood of Montague
Keefe	Worley

Absent

Cagle	Moffett
England	Rogers
Jones of Shelby	Stanfield
Lange	Walker

Absent—Excused

Daniel	Greathouse
Fitzwater	Head

Hyder	Pope
Moore	

Mr. Knetsch moved the previous question on the passage of House Bill No. 46 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—79

Alexander	Lindsey
Atchison	Luker
Beck	Mauritz
Broyles	McCalla
Butler of Karnes	McFarland
Clayton	McKee
Collins	McKinney
Colquitt	Moffett
Cooper	Morris
Cowley	Morrison
Crossley	Newton
Davis	Nicholson
Davison of Fisher	Olsen
Dunagan	Padgett
Dwyer	Petsch
Fain	Quinn
Fisher	Reader
Ford	Reed of Bowie
Frazer	Reed of Dallas
Fuchs	Riddle
Gibson	Roberts
Gray	Scarborough
Hankamer	Sessions
Hanna	Settle
Harris of Archer	Shofner
Harris of Dallas	Smith
Hartzog	Stanfield
Hill	Steward
Holland	Stinson
Howard	Stovall
Hunt	Tarwater
Hunter	Thornton
Jackson	Tillery
James	Waggoner
Jones of Atascosa	Walker
Jones of Shelby	Wells
King	Westfall
Knetsch	Worley
Latham	Young
Leath	

Nays—44

Adamson	Canon
Adkins	Craddock
Aikin	Davison
Alsup	of Eastland
Ash	Dunlap of Hays
Bradbury	Duvall
Bradford	Farmer
Burton	Fox

Glass	McConnell
Good	Palmer
Graves	Patterson
Hardin	Payne
Herzik	Roach of Angelina
Hodges	Roach of Hunt
Hofheinz	Roark
Huddleston	Russell
Jefferson	Rutta
Jones of Falls	Tennynson
Jones of Wise	Venable
Keefe	Wood of Harrison
Lanning	Wood of Montague
Lotief	Youngblood
Lucas	

Absent

Bergman	England
Bourne	Hoskins
Butler of Brazos	Lange
Cagle	Lemens
Caldwell	Leonard
Calvert	Morse
Celaya	Roane
Colson	Rogers
Dickison	Spears
Dunlap of Kleberg	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope
Head	

House Bill No. 46 was then passed to engrossment by the following vote:

Yeas—122

Adamson	Dickison
Adkins	Dunagan
Alexander	Dunlap of Hays
Alsup	Duvall
Ash	Dwyer
Atchison	Farmer
Beck	Fisher
Bergman	Ford
Bourne	Fox
Bradbury	Frazer
Bradford	Fuchs
Broyles	Gibson
Burton	Glass
Butler of Brazos	Good
Canon	Graves
Celaya	Gray
Clayton	Hankamer
Collins	Hanna
Colquitt	Hardin
Colson	Harris of Archer
Cooper	Harris of Dallas
Cowley	Hartzog
Craddock	Herzik
Crossley	Hill
Davis	Hodges
Davisson	Holland
of Eastland	Howard

Huddleston	Petsch
Hunt	Quinn
Hunter	Reader
Jackson	Reed of Bowie
James	Reed of Dallas
Jefferson	Riddle
Jones of Atascosa	Roach of Angelina
Jones of Falls	Roach of Hunt
Jones of Shelby	Roark
Jones of Wise	Roberts
Keefe	Russell
King	Rutta
Lanning	Scarborough
Latham	Sessions
Leath	Settle
Lemens	Shofner
Leonard	Stanfield
Lucas	Steward
Mauritz	Stinson
McCalla	Stovall
McConnell	Tarwater
McFarland	Tennynson
McKee	Thornton
McKinney	Tillery
Moffett	Venable
Morris	Waggoner
Morrison	Walker
Morse	Wells
Newton	Westfall
Nicholson	Wood of Harrison
Olsen	Wood of Montague
Padgett	Worley
Palmer	Young
Patterson	Youngblood
Payne	

Nays—6

Aikin	Lotief
Cagle	Luker
Fain	Roane

Absent

Butler of Karnes	Hoskins
Caldwell	Knetsch
Calvert	Lange
Davison of Fisher	Lindsey
Dunlap of Kleberg	Rogers
England	Smith
Hofheinz	Spears

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope
Head	

HOUSE BILL NO. 46 ON THIRD READING

Mr. Frazer moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 46 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

Adamson	Jefferson
Adkins	Jones of Atascosa
Alexander	Jones of Falls
Alsup	Jones of Shelby
Ash	Jones of Wise
Atchison	Keefe
Beck	King
Bergman	Knetsch
Bourne	Lanning
Bradbury	Latham
Bradford	Leath
Broyles	Lemens
Burton	Leonard
Butler of Brazos	Lindsey
Cagle	Lotief
Clayton	Lucas
Collins	Mauritz
Colson	McCalla
Cooper	McConnell
Cowley	McFarland
Craddock	McKee
Crossley	McKinney
Davis	Moffett
Davisson	Morris
of Eastland	Morrison
Dickison	Morse
Dunagan	Newton
Dunlap of Hays	Nicholson
Duvall	Olsen
Dwyer	Padgett
England	Palmer
Fain	Patterson
Farmer	Payne
Fisher	Petsch
Ford	Quinn
Fox	Reader
Frazer	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Riddle
Glass	Roach of Angelina
Good	Roach of Hunt
Gray	Roane
Hankamer	Roark
Hanna	Roberts
Hardin	Russell
Harris of Archer	Rutta
Harris of Dallas	Scarborough
Hartzog	Sessions
Herzik	Settle
Hill	Shofner
Hodges	Spears
Hofheinz	Stanfield
Holland	Steward
Hoskins	Stinson
Howard	Stovall
Huddleston	Tarwater
Hunt	Tennyson
Hunter	Thornton
Jackson	Tillery
James	Venable

Waggoner	Wood of Montague
Walker	Worley
Wells	Young
Westfall	Youngblood
Wood of Harrison	

Nays—3

Aikin	Luker
Colquitt	

Absent

Butler of Karnes	Dunlap of Kleberg
Caldwell	Graves
Calvert	Lange
Canon	Rogers
Celaya	Smith
Davison of Fisher	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope
Head	

The Speaker then laid House Bill No. 46 before the House on its third reading and final passage.

The bill was read third time.

Mr. Graves offered the following amendment to the bill:

Amend House Bill No. 46 by adding after the end of Section 20, page 15, line 23, the following:

"And if any portion of such gross receipts be exempt from taxation by virtue of being interstate commerce, or for any other reason, then it is here declared to be the intent of this Legislature to nevertheless levy such tax based on the portion of such receipts that are not thus exempt."

The amendment was adopted.

Mr. Canon offered the following amendment to the bill:

Amend House Bill No. 46, page 5, by adding the following to Section 7:

"Provided however this tax shall not apply to yeast or yeast malt used by bakeries."

CANON,
ROANE,
HARDIN,
GRAVES,
ALEXANDER,
AIKIN,
HODGES.

The amendment was adopted.

Mr. Hankamer offered the following amendment to the bill:

Amend House Bill No. 46, page 15, by adding a new section to be known as Section 18, and by renumbering sub-

sequent sections accordingly, said new section to read as follows:

"Section 18. All additional taxes levied by the terms and provisions of this Act shall be collected and accounted for by the same departments and agencies of the State and in the same manner as now provided under any and all existing laws relating to the collection and disposition of occupation taxes which are now levied and collected from the various classes of taxpayers specified in this Act, provided, however, that the additional taxes collected under the terms and provisions of this Act shall be deposited by the State Treasurer in the manner provided in Section 1 of this Act."

The amendment was adopted.

Mr. Duvall moved the previous question on the passage of House Bill No. 46, and the main question was ordered.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Mr. Morse moved that the House Rule, which Rule relates to the offering of amendments after the main question has been ordered, be suspended, at this time, for the purpose of offering an amendment to strike out section 16 of the bill.

The motion was lost.

House Bill No. 46 was then passed by the following vote:

Yeas—137

Adamson	Cooper
Adkins	Cowley
Alexander	Craddock
Alsup	Crossley
Ash	Davis
Atchison	Davison of Fisher
Beck	Davisson
Bergman	of Eastland
Bourne	Dickison
Bradbury	Dunagan
Bradford	Dunlap of Hays
Broyles	Dunlap of Kleberg
Burton	Duvall
Butler of Brazos	Dwyer
Butler of Karnes	England
Caldwell	Fain
Calvert	Farmer
Canon	Fisher
Celaya	Ford
Clayton	Fox
Collins	Frazer
Colquitt	Fuchs

Gibson	McKinney
Glass	Moffett
Good	Morris
Graves	Morrison
Gray	Newton
Greathouse	Nicholson
Hankamer	Olsen
Hanna	Padgett
Hardin	Palmer
Harris of Archer	Patterson
Harris of Dallas	Payne
Hartzog	Quinn
Head	Reader
Herzik	Reed of Bowie
Hill	Reed of Dallas
Hodges	Riddle
Hofheinz	Roach of Angelina
Holland	Roach of Hunt
Hoskins	Roark
Howard	Roberts
Huddleston	Rogers
Hunt	Russell
Hunter	Rutta
Jackson	Scarborough
James	Sessions
Jefferson	Settle
Jones of Atascosa	Shofner
Jones of Falls	Smith
Jones of Shelby	Spears
Jones of Wise	Stanfield
Keefe	Steward
King	Stinson
Knetsch	Stovall
Lanning	Tarwater
Latham	Tennyson
Leath	Thornton
Lemens	Tillery
Leonard	Venable
Lindsey	Waggoner
Lotief	Walker
Lucas	Wells
Luker	Westfall
Mauritz	Wood of Harrison
McCalla	Wood of Montague
McConnell	Worley
McFarland	Young
McKee	Youngblood

Nays—5

Aikin	Petsch
Cagle	Roane
Morse	

Absent

Colson	Lange
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Absent—Excused

Daniel	Moore
Fitzwater	Pope
Hyder	

Mr. Frazer moved to reconsider the vote by which House Bill No. 46 was

passed, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, October 31, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 53, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain extended municipal school districts pursuant to an election to be held for that purpose; and declaring an emergency."

(With Amendments.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 66 ON SECOND READING

On motion of Mr. Harris of Archer (by unanimous consent), the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 66, A bill to be entitled "An Act to provide for payment of the salaries of the ex-officio county superintendents from the County Available School Fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker then laid House Bill No. 66 before the House, and it was read second time.

Mr. Harris of Archer offered the following committee amendments to the bill:

Amend House Bill No. 66 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 2701, Revised Civil Statutes of Texas, 1925, be, and the same is hereby, amended so as to hereafter read as follows:

"Article 2701 (2763-4). Ex-officio Superintendent—In each county having no school superintendent, the county judge shall be ex-officio county superintendent and shall perform all the duties required of the county superintendent in this Chapter. He shall give bond in the sum of One Thou-

sand Dollars, payable to and to be approved by the County Board of School Trustees of the respective counties and conditioned for the faithful performance of his duties. The salary of the ex-officio superintendents of Public Instruction in all counties in Texas shall be, from and after the passage of this Act, paid from the Available School Fund of the various counties, respectively."

"Section 2. That Article 3888 Revised Civil Statutes of Texas, 1925, be, and the same is hereby, amended so as to hereafter read as follows:

"Article 3888 (2765-3886). County Judge.—In a county where the County Judge acts as superintendent of public instruction, he shall receive for such services such salary not to exceed Nine Hundred (\$900.00) Dollars a year, as the County Board of School Trustees of the respective counties may provide."

"Section 3. All laws or parts of laws in conflict herewith are expressly repealed.

"Section 4. If any section, subsection, paragraph, sentence, clause, phrase or word contained in this Act shall be held by the Courts to be in violation of the Constitution of the State of Texas, or of the United States, the invalidity of such stricken portion of the Act shall not be construed to affect any other part of the Act. It is the declared legislative intent that the Act would have been passed by the Legislature despite the unconstitutional portion thereof."

"Section 5. The fact that by reason of the passage of the constitutional amendment changing the method of compensating district and county officers, an extra burden will be placed upon the general funds of the several counties in this State, creates an emergency and imperative public necessity that the constitutional rule, requiring all bills to be read on three several days in each House, be, and the same is hereby, suspended, and this Act shall be in force and take effect from and after its passage, and it is so enacted."

Amend House Bill No. 66, by striking out all above the enacting clause after the word "entitled" and insert in lieu thereof the following:

"An Act amending Articles 2701 and 3888, Revised Civil Statutes of

Texas, 1925; repealing all laws and parts of laws in conflict herewith; providing that if any section, subsection, paragraph, sentence, clause, phrase, or word contained herein shall ever be held to be unconstitutional or void for any reason that such holding shall not affect the remaining provisions hereof, and declaring an emergency."

The amendments were severally adopted.

House Bill No. 66 was then passed to engrossment.

HOUSE BILL NO. 66 ON THIRD READING

Mr. Harris of Archer moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 66 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—117

Adamson	Ford
Aikin	Fox
Alexander	Glass
Alsup	Graves
Ash	Gray
Atchison	Hanna
Beck	Hardin
Bergman	Harris of Archer
Bourne	Harris of Dallas
Bradbury	Hartzog
Bradford	Head
Broyles	Herzik
Burton	Hill
Butler of Brazos	Hodges
Caldwell	Hofheinz
Canon	Hoskins
Celaya	Howard
Clayton	Huddleston
Collins	Hunter
Colquitt	Jackson
Colson	James
Cooper	Jefferson
Cowley	Jones of Atascosa
Craddock	Jones of Wise
Davis	Keefe
Davison of Fisher	Knetsch
Davison	Lanning
of Eastland	Latham
Dickison	Leath
Dunlap of Hays	Leonard
Dunlap of Kleberg	Lindsey
Duvall	Lotief
Dwyer	Lucas
Fain	Luker
Farmer	Mauritz
Fisher	McCalla

McConnell	Rogers
McFarland	Russell
McKee	Rutta
McKinney	Scarborough
Moffett	Sessions
Morris	Settle
Morrison	Shofner
Morse	Steward
Newton	Stinson
Nicholson	Stovall
Olsen	Tarwater
Padgett	Tennyson
Palmer	Thornton
Patterson	Tillery
Petsch	Venable
Quinn	Walker
Reed of Bowie	Wells
Reed of Dallas	Westfall
Riddle	Wood of Harrison
Roach of Angelina	Wood of Montague
Roach of Hunt	Worley
Roane	Young
Roark	Youngblood

Absent

Adkins	Hunt
Butler of Karnes	Jones of Falls
Cagle	Jones of Shelby
Calvert	King
Crossley	Lange
Dunagan	Lemens
England	Payne
Frazer	Reader
Fuchs	Roberts
Gibson	Smith
Good	Spears
Hankamer	Stanfield
Holland	Waggoner

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

The Speaker then laid House Bill No. 66 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—118

Adamson	Burton
Aikin	Butler of Brazos
Alexander	Canon
Alsup	Clayton
Ash	Collins
Atchison	Colquitt
Beck	Colson
Bergman	Cooper
Bourne	Cowley
Bradbury	Craddock
Bradford	Davis
Broyles	Davison of Fisher

Davisson	McConnell
of Eastland	McFarland
Dickison	McKee
Dunlap of Hays	McKinney
Duvall	Moffett
Dwyer	Morris
England	Morrison
Fain	Morse
Farmer	Newton
Fisher	Nicholson
Ford	Olsen
Fox	Padgett
Gibson	Palmer
Glass	Patterson
Graves	Petsch
Gray	Quinn
Hanna	Reader
Hardin	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Riddle
Hartzog	Roach of Angelina
Head	Roach of Hunt
Herzik	Roane
Hill	Roark
Hodges	Rogers
Hofheinz	Russell
Hoskins	Rutta
Howard	Scarborough
Huddleston	Sessions
Hunter	Settle
Jackson	Shofner
James	Steward
Jefferson	Stinson
Jones of Atascosa	Stovall
Jones of Shelby	Tarwater
Jones of Wise	Tennyson
Keefe	Thornton
Knetsch	Tillery
Lanning	Venable
Latham	Walker
Leath	Wells
Lemens	Westfall
Leonard	Wood of Harrison
Lindsey	Wood of Montague
Lotief	Worley
Lucas	Young
Luker	Youngblood
Mauritz	

Absent

Adkins	Holland
Butler of Karnes	Hunt
Cagle	Jones of Falls
Caldwell	King
Calvert	Lange
Celaya	McCalla
Crossley	Payne
Dunagan	Roberts
Dunlap of Kleberg	Smith
Frazer	Spears
Fuchs	Stanfield
Good	Waggoner
Hankamer	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

HOUSE BILL NO. 53 WITH
SENATE AMENDMENTS

Mr. Olsen called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 53, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain extended municipal school districts pursuant to an election to be held for that purpose; defining the term 'extended municipal school district' and the term 'Governing Body' of the city or town; prescribing the method of procedure precedent to calling such an election; providing that such election shall be held, as nearly as possible in compliance with law with reference to regular city elections, and prescribing qualifications of voters at such elections; etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Olsen, the House concurred in the Senate amendments, by the following vote:

Yeas—114

Adamson	Dunlap of Hays
Aikin	Dunlap of Kleberg
Alexander	Duvall
Alsup	Dwyer
Ash	England
Atchison	Fain
Beck	Farmer
Bergman	Fisher
Bourne	Ford
Bradbury	Fox
Bradford	Frazer
Broyles	Gibson
Burton	Glass
Butler of Brazos	Gray
Cagle	Hanna
Canon	Hardin
Clayton	Harris of Archer
Collins	Harris of Dallas
Colson	Hartzog
Cooper	Head
Cowley	Herzik
Davis	Hill
Davison of Fisher	Hodges
Davisson	Hofheinz
of Eastland	Holland
Dickison	Hoskins

Howard	Quinn
Huddleston	Reader
Hunter	Reed of Bowie
Jackson	Reed of Dallas
James	Riddle
Jefferson	Roach of Angelina
Jones of Atascosa	Roane
Jones of Shelby	Roark
Jones of Wise	Rogers
Knetsch	Russell
Latham	Rutta
Leath	Scarborough
Lemens	Sessions
Leonard	Settle
Lindsey	Steward
Lotief	Stinson
Lucas	Stovall
Luker	Tarwater
McCalla	Tennyson
McConnell	Thornton
McFarland	Tillery
McKee	Venable
Moffett	Waggoner
Morris	Walker
Morrison	Wells
Morse	Westfall
Newton	Wood of Harrison
Nicholson	Wood of Montague
Olsen	Worley
Padgett	Young
Patterson	Youngblood
Payne	

Nays—2

Colquitt	Shofner
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Absent

Adkins	Keefe
Butler of Karnes	King
Caldwell	Lange
Calvert	Lanning
Celaya	Mauritz
Craddock	McKinney
Crossley	Palmer
Dunagan	Petsch
Fuchs	Roach of Hunt
Good	Roberts
Graves	Smith
Hankamer	Spears
Hunt	Stanfield
Jones of Falls	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

HOUSE BILL NO. 67 ON SECOND READING

Mr. McKinney moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 67

be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Adamson	Jones of Atascosa
Adkins	Jones of Falls
Alexander	Jones of Shelby
Alsup	Jones of Wise
Ash	Keefe
Atchison	King
Beck	Knetsch
Bourne	Lanning
Bradbury	Latham
Bradford	Leath
Broyles	Lemens
Butler of Brazos	Leonard
Cagle	Lindsey
Caldwell	Lotief
Canon	Luker
Celaya	Mauritz
Clayton	McCalla
Collins	McConnell
Cooper	McFarland
Cowley	McKee
Crossley	McKinney
Davis	Moffett
Davison of Fisher	Morrison
Davison	Morse
of Eastland	Newton
Dickison	Nicholson
Dunlap of Hays	Olsen
Dunlap of Kleberg	Padgett
Dwyer	Palmer
Fain	Patterson
Farmer	Payne
Fisher	Petsch
Ford	Quinn
Fox	Reed of Dallas
Frazer	Riddle
Gibson	Roach of Angelina
Glass	Roach of Hunt
Graves	Roark
Gray	Roberts
Hankamer	Rogers
Hanna	Russell
Harris of Archer	Rutta
Harris of Dallas	Scarborough
Hartzog	Sessions
Head	Settle
Herzik	Steward
Hill	Stinson
Hodges	Stovall
Hofheinz	Tarwater
Holland	Tennyson
Hoskins	Thornton
Howard	Tillery
Hunt	Venable
Hunter	Waggoner
Jackson	Walker
James	Wells
Jefferson	Westfall

Wood of Harrison Young
Wood of Montague Youngblood
Worley

Nays—8

Aikin	Huddleston
Burton	Lucas
Colquitt	Morris
Hardin	Reed of Bowie

Present—Not Voting

Shofner

Absent

Bergman	Fuchs
Butler of Karnes	Good
Calvert	Lange
Colson	Reader
Craddock	Roane
Dunagan	Smith
Duvall	Spears
England	Stanfield

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 67, A bill to be entitled "An Act authorizing the condemnation of certain private land or lands for the restoration, preservation or marking of historic spots in Texas by the Commission of Control for the Texas Centennial Celebrations; prescribing the procedure therefor; providing that such proceedings shall be brought in the name of the State of Texas by the Attorney General of Texas, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 67 ON THIRD READING

The Speaker then laid House Bill No. 67 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—117

Adamson	Bradbury
Alexander	Bradford
Alsup	Broyles
Ash	Butler of Brazos
Atchison	Butler of Karnes
Beck	Cagle
Bourne	Caldwell

Canon	Lanning
Celaya	Latham
Clayton	Leath
Collins	Lemens
Colquitt	Leonard
Colson	Lindsey
Cooper	Lotief
Cowley	Luker
Davis	Mauritz
Davison of Fisher	McCalla
Davisson	McConnell
of Eastland	McFarland
Dickison	McKee
Dunagan	McKinney
Dunlap of Hays	Moffett
Dunlap of Kleberg	Morrison
Duvall	Morse
Dwyer	Newton
Fain	Nicholson
Farmer	Olsen
Fisher	Padgett
Ford	Palmer
Frazer	Patterson
Fuchs	Payne
Gibson	Quinn
Glass	Reader
Graves	Reed of Dallas
Gray	Riddle
Hankamer	Roach of Angelina
Hanna	Roach of Hunt
Harris of Archer	Roark
Harris of Dallas	Roberts
Hartzog	Russell
Head	Rutta
Herzik	Scarborough
Hill	Sessions
Hodges	Settle
Hofheinz	Steward
Holland	Stinson
Hoskins	Stovall
Howard	Tarwater
Hunt	Tennyson
Jackson	Thornton
James	Waggoner
Jefferson	Walker
Jones of Atascosa	Wells
Jones of Falls	Westfall
Jones of Shelby	Wood of Harrison
Jones of Wise	Wood of Montague
Keefe	Worley
King	Young
Knetsch	Youngblood

Nays—10

Aikin	Huddleston
Bergman	Lucas
Burton	Morris
England	Reed of Bowie
Hardin	Venable

Absent

Adkins	Craddock
Calvert	Crossley

Fox	Rogers
Good	Shofner
Hunter	Smith
Lange	Spears
Petsch	Stanfield
Roane	Tillery

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

HOUSE BILL NO. 72 ON SECOND READING

Mr. Lindsey moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 72 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adamson	Gray
Adkins	Hanna
Aikin	Hardin
Alexander	Harris of Archer
Alsop	Harris of Dallas
Ash	Hartzog
Atchison	Head
Beck	Herzik
Bergman	Hill
Bourne	Hodges
Bradbury	Hofheinz
Bradford	Holland
Broyles	Hoskins
Burton	Howard
Butler of Brazos	Huddleston
Butler of Karnes	Hunt
Cagle	Hunter
Canon	Jefferson
Clayton	Jones of Falls
Cooper	Jones of Shelby
Cowley	Jones of Wise
Davis	Keefe
Davison of Fisher	King
Davisson	Knetsch
of Eastland	Lanning
Dickison	Latham
Dunagan	Lemens
Dunlap of Hays	Lindsey
Dunlap of Kleberg	Lotief
Duvall	Lucas
Fain	Luker
Farmer	Mauritz
Fisher	McCalla
Ford	McConnell
Gibson	McFarland
Glass	McKee
Good	McKinney
Graves	Moffett

Jackson	Settle
James	Shofner
Moore	Smith
Morrison	Steward
Newton	Stinson
Olsen	Stovall
Palmer	Tarwater
Patterson	Tennyson
Reed of Bowie	Thornton
Reed of Dallas	Tillery
Riddle	Venable
Roach of Angelina	Waggoner
Roach of Hunt	Walker
Roark	Wells
Roberts	Westfall
Russell	Wood of Harrison
Rutta	Wood of Montague
Scarborough	Worley
Sessions	Youngblood

Nays—1

Colquitt

Absent

Caldwell	Leath
Calvert	Leonard
Celaya	Morse
Collins	Nicholson
Colson	Padgett
Craddock	Payne
Crossley	Petsch
Dwyer	Quinn
England	Reader
Fox	Roane
Frazer	Rogers
Fuchs	Spears
Hankamer	Stanfield
Jones of Atascosa	Young
Lange	

Absent—Excused

Daniel	Hyder
Fitzwater	Morris
Greathouse	Pope

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 72, A bill to be entitled "An Act authorizing the commissioners court in any county having a population of not less than 24,200 and not more than 24,500, according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling in connection with official business; providing the funds, and declaring an emergency."

The bill was read second time.

Mr. Lindsey offered the following amendment to the bill:

Amend House Bill No. 72, Section 1, by changing the period after the

word "precinct," to a comma and add the following language:

"and or the general fund of the county not to exceed 50% of said expenses, and each commissioner shall make under oath an itemized account of his expenses under oath for each month."

The amendment was adopted.

Mr. Palmer offered the following amendment to the bill:

Amend House Bill No. 72, Section 1, by adding the following, after the figures 24,500:

"And in any county having a population of not less than 12,200 and not more than 12,300."

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 72 was then passed to engrossment.

HOUSE BILL NO. 72 ON THIRD READING

The Speaker then laid House Bill No. 72 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—120

Adamson	Davison of Fisher
Adkins	Davisson
Aikin	of Eastland
Alexander	Dickison
Alsup	Dunagan
Ash	Dunlap of Hays
Atchison	Dunlap of Kleberg
Beck	Fain
Bergman	Farmer
Bourne	Fisher
Bradbury	Ford
Bradford	Fuchs
Broyles	Gibson
Burton	Glass
Butler of Brazos	Good
Butler of Karnes	Graves
Cagle	Gray
Caldwell	Hankamer
Canon	Hanna
Celaya	Hardin
Clayton	Harris of Archer
Collins	Harris of Dallas
Colquitt	Hartzog
Cooper	Head
Cowley	Herzik
Crossley	Hill
Davis	Hodges

Holland	Quinn
Hoskins	Reed of Bowie
Howard	Reed of Dallas
Huddleston	Riddle
Hunt	Roach of Angelina
Hunter	Roach of Hunt
Jackson	Roane
James	Roark
Jefferson	Roberts
Jones of Falls	Rogers
Jones of Shelby	Russell
Jones of Wise	Rutta
Keefe	Scarborough
King	Sessions
Knetsch	Settle
Lanning	Smith
Lemens	Steward
Leonard	Stinson
Lindsey	Stovall
Lotief	Tarwater
Lucas	Tennyson
Mauritz	Thornton
McCalla	Tillery
McConnell	Venable
McFarland	Waggoner
McKee	Walker
McKinney	Wells
Moffett	Westfall
Morrison	Wood of Harrison
Newton	Wood of Montague
Olsen	Worley
Palmer	Young
Patterson	Youngblood
Payne	

Present—Not Voting

Luker	Shofner
	Absent
Calvert	Latham
Colson	Leath
Craddock	Morris
Duvall	Morse
Dwyer	Nicholson
England	Padgett
Fox	Petsch
Frazer	Reader
Hofheinz	Spears
Jones of Atascosa	Stanfield
Lange	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

HOUSE BILL NO. 71 ON SECOND READING

Mr. Dickison moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 71 be placed on its second reading and passage to

engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—117

Adamson	Hunt
Adkins	Hunter
Aikin	Jackson
Alexander	James
Alsup	Jefferson
Ash	Jones of Falls
Atchison	Jones of Shelby
Beck	Jones of Wise
Bergman	Keefe
Bourne	King
Bradbury	Knetsch
Bradford	Lanning
Broyles	Latham
Burton	Lemens
Butler of Brazos	Leonard
Butler of Karnes	Lindsey
Cagle	Lotief
Caldwell	Lucas
Calvert	Mauritz
Canon	McCalla
Clayton	McConnell
Collins	McFarland
Colquitt	McKee
Cooper	McKinney
Cowley	Moffett
Craddock	Morris
Davis	Morrison
Davison of Fisher	Newton
Davison	Olsen
of Eastland	Palmer
Dickison	Payne
Dunlap of Hays	Reed of Bowie
Dunlap of Kleberg	Reed of Dallas
Duvall	Riddle
England	Roach of Angelina
Fain	Roach of Hunt
Fisher	Roane
Ford	Roark
Fuchs	Roberts
Gibson	Rogers
Glass	Russell
Good	Rutta
Graves	Scarborough
Gray	Sessions
Hankamer	Settle
Hanna	Spears
Hardin	Steward
Harris of Archer	Stinson
Harris of Dallas	Stovall
Hartzog	Tennyson
Head	Thornton
Herzik	Tillery
Hodges	Venable
Holland	Waggoner
Hoskins	Walker
Howard	Wells
Huddleston	Westfall

Wood of Harrison Worley
Wood of Montague Youngblood

Nays—1

Farmer

Present—Not Voting

Luker

Shofner

Absent

Celaya	Morse
Colson	Nicholson
Crossley	Padgett
Dunagan	Patterson
Dwyer	Petsch
Fox	Quinn
Frazer	Reader
Hill	Smith
Hofheinz	Stanfield
Jones of Atascosa	Tarwater
Lange	Young
Leath	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 71, A bill to be entitled "An Act authorizing school trustees in all counties of the State, having a population of not less than two hundred ninety thousand (290,000) or more than three hundred twenty thousand (320,000) inhabitants according to the last preceding Federal Census to issue interest bearing warrants in payment of salaries of employees; specifying that the rate of interest shall not exceed four per cent (4%) per annum; limiting the amount of warrants to be issued; etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 71 ON THIRD READING

The Speaker then laid House Bill No. 71 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—120

Adamson	Alsup
Adkins	Ash
Aikin	Atchison
Alexander	Beck

Bergman	Jones of Falls
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Bradford	Keefe
Broyles	King
Burton	Knetsch
Butler of Brazos	Lanning
Butler of Karnes	Latham
Cagle	Lemens
Calvert	Leonard
Canon	Lindsey
Celaya	Lotief
Clayton	Lucas
Collins	Mauritz
Colquitt	McCalla
Cooper	McConnell
Cowley	McFarland
Craddock	McKee
Crossley	McKinney
Davis	Moffett
Davison of Fisher	Morris
Davisson	Morrison
of Eastland	Newton
Dickison	Olsen
Dunagan	Palmer
Dunlap of Hays	Patterson
Dunlap of Kleberg	Payne
Duvall	Reed of Bowie
Dwyer	Reed of Dallas
England	Riddle
Fain	Roach of Angelina
Fisher	Roach of Hunt
Ford	Roark
Fuchs	Roberts
Gibson	Russell
Glass	Rutta
Good	Scarborough
Graves	Sessions
Gray	Settle
Hankamer	Smith
Hanna	Spears
Hardin	Steward
Harris of Archer	Stinson
Harris of Dallas	Stovall
Head	Tarwater
Herzik	Tennyson
Hill	Thornton
Hodges	Tillery
Holland	Venable
Hoskins	Waggoner
Howard	Walker
Huddleston	Wells
Hunt	Westfall
Hunter	Wood of Harrison
Jackson	Wood of Montague
James	Worley
Jefferson	

Nays—1

Farmer

Present—Not Voting

Luker

Shofner

Absent

Caldwell	Nicholson
Colson	Padgett
Fox	Petsch
Frazer	Quinn
Hartzog	Reader
Hofheinz	Roane
Jones of Atascosa	Rogers
Lange	Stanfield
Leath	Young
Morse	Youngblood

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

SPECIAL ORDER SET

Mr. Knetsch moved that House Bill No. 52, be set as a special order for 10:00 o'clock a. m., Friday, November 1.

The motion prevailed.

GRANTING CONTINENTAL ASSURANCE COMPANY PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 4, Granting the Continental Assurance Company permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

HOUSE BILL NO. 68 ON SECOND READING

Mr. Bourne moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 68 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116

Adamson	Atchison
Adkins	Beck
Aikin	Bergman
Alexander	Bourne
Alsup	Bradbury
Ash	Bradford

Broyles	Latham
Burton	Lemens
Butler of Karnes	Leonard
Cagle	Lindsey
Caldwell	Lotief
Calvert	Lucas
Canon	Mauritz
Clayton	McCalla
Collins	McConnell
Colson	McFarland
Cooper	McKee
Cowley	McKinney
Craddock	Moffett
Crossley	Morris
Davison of Fisher	Morrison
Davisson	Newton
of Eastland	Olsen
Dickison	Palmer
Dunagan	Patterson
Dunlap of Hays	Payne
Dunlap of Kleberg	Quinn
Fain	Reed of Bowie
Farmer	Reed of Dallas
Fisher	Riddle
Ford	Roach of Angelina
Fox	Roach of Hunt
Fuchs	Roane
Gibson	Roark
Glass	Roberts
Good	Rogers
Gray	Russell
Hankamer	Rutta
Hanna	Scarborough
Hardin	Sessions
Harris of Archer	Settle
Harris of Dallas	Shofner
Head	Smith
Hill	Steward
Hodges	Stinson
Holland	Stovall
Hoskins	Tarwater
Howard	Tennyson
Huddleston	Thornton
Hunter	Tillery
Jackson	Waggoner
Jefferson	Walker
Jones of Falls	Wells
Jones of Shelby	Westfall
Jones of Wise	Wood of Harrison
Keefe	Wood of Montague
King	Worley
Knetsch	Youngblood
Lanning	

Nays—1

Colquitt

Present—Not Voting

Luker

Absent

Butler of Brazos	Duvall
Celaya	Dwyer
Davis	England

Frazer	Morse
Graves	Nicholson
Hartzog	Padgett
Herzik	Petsch
Hofheinz	Reader
Hunt	Spears
James	Stanfield
Jones of Atascosa	Venable
Lange	Young
Leath	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 68, A bill to be entitled "An Act creating a special road law for Red River County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of October 23, 1935, by issuance of funding bonds, and setting forth the method of operation; etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 68 ON THIRD READING

The Speaker then laid House Bill No. 68 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—118

Adamson	Clayton
Adkins	Collins
Aikin	Colquitt
Alexander	Colson
Alsup	Cooper
Ash	Cowley
Atchison	Craddock
Beck	Crossley
Bergman	Davis
Bourne	Davison of Fisher
Bradbury	Davisson
Bradford	of Eastland
Broyles	Dunagan
Burton	Dunlap of Hays
Butler of Brazos	Dunlap of Kleberg
Butler of Karnes	Duvall
Cagle	Fain
Caldwell	Farmer
Calvert	Fisher
Canon	Ford
Celaya	Fox

Fuchs	McKinney
Gibson	Moffett
Glass	Morris
Good	Morrison
Graves	Newton
Gray	Palmer
Hankamer	Patterson
Hanna	Payne
Hardin	Quinn
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Head	Riddle
Hodges	Roach of Angelina
Hofheinz	Roach of Hunt
Holland	Roane
Hoskins	Roark
Howard	Roberts
Huddleston	Rogers
Hunter	Russell
Jackson	Rutta
Jefferson	Scarborough
Jones of Falls	Sessions
Jones of Shelby	Settle
Jones of Wise	Shofner
Keefe	Steward
King	Stinson
Knetsch	Stovall
Lanning	Tarwater
Latham	Tennyson
Lemens	Thornton
Leonard	Tillery
Lindsey	Waggoner
Lotief	Walker
Lucas	Wells
Mauritz	Westfall
McCalla	Wood of Harrison
McConnell	Wood of Montague
McFarland	Youngblood
McKee	

Absent

Dickison	Morse
Dwyer	Nicholson
England	Olsen
Frazer	Padgett
Hartzog	Petsch
Herzik	Reader
Hill	Smith
Hunt	Spears
James	Stanfield
Jones of Atascosa	Venable
Lange	Worley
Leath	Young
Luker	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

HOUSE BILL NO. 69 ON SECOND READING

Mr. Rogers moved that the constitutional rule, requiring bills to be read on three several days, be suspended,

and that House Bill No. 69 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adamson	Hunter
Adkins	Jackson
Aikin	James
Alexander	Jefferson
Alsup	Jones of Falls
Ash	Jones of Shelby
Atchison	Jones of Wise
Beck	Keefe
Bergman	King
Bourne	Knetsch
Bradbury	Lanning
Bradford	Lemens
Broyles	Lindsey
Burton	Lotief
Butler of Brazos	Lucas
Butler of Karnes	Mauritz
Cagle	McConnell
Caldwell	McKee
Calvert	Moffett
Canon	Morris
Celaya	Morrison
Clayton	Newton
Collins	Nicholson
Colquitt	Palmer
Cooper	Patterson
Cowley	Payne
Craddock	Quinn
Crossley	Reed of Bowie
Davis	Reed of Dallas
Davison of Fisher	Riddle
Davisson	Roach of Angelina
of Eastland	Roach of Hunt
Dunagan	Roark
Dunlap of Hays	Roberts
Fain	Rogers
Farmer	Russell
Fisher	Rutta
Ford	Scarborough
Fuchs	Sessions
Glass	Settle
Good	Steward
Graves	Stinson
Gray	Stovall
Hankamer	Tarwater
Hanna	Tennyson
Hardin	Thornton
Harris of Archer	Tillery
Harris of Dallas	Waggoner
Head	Walker
Hill	Wells
Hodges	Westfall
Hofheinz	Wood of Harrison
Hoskins	Wood of Montague
Howard	Worley
Huddleston	Young
Hunt	Youngblood

Present—Not Voting

Luker	Roane
McCalla	Shefner

Absent

Colson	Latham
Dickison	Leath
Dunlap of Kleberg	Leonard
Duvall	McFarland
Dwyer	McKinney
England	Morse
Fox	Olsen
Frazer	Padgett
Gibson	Petsch
Hartzog	Reader
Herzik	Smith
Holland	Spears
Jones of Atascosa	Stanfield
Lange	Venable

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 69, A bill to be entitled "An Act validating and approving all acts and proceedings of county commissioners courts and the county judge in the matter of the creation and incorporation of wind erosion conservation districts in their said counties, which were authorized to be created under the provisions of Chapter 337, Acts Regular Session, Forty-fourth Legislature, and validating and approving all elections held under the provisions of said law where the returns of said elections show that a majority of the legally qualified property tax-paying voters of said counties voting at said elections favored the creation of such districts; and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 69 ON THIRD READING

The Speaker then laid House Bill No. 69 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—117

Adamson	Aikin
Adkins	Alexander

Alsup	Jefferson
Ash	Jones of Falls
Atchison	Jones of Shelby
Beck	Jones of Wise
Bergman	Keefe
Bourne	King
Bradbury	Knetsch
Bradford	Lanning
Broyles	Latham
Burton	Lemens
Butler of Brazos	Leonard
Butler of Karnes	Lotief
Cagle	Lucas
Caldwell	Mauritz
Calvert	McCalla
Canon	McConnell
Clayton	McFarland
Collins	McKee
Colquitt	Moffett
Cooper	Morris
Cowley	Morrison
Craddock	Newton
Crossley	Nicholson
Davis	Olsen
Davison of Fisher	Palmer
Davisson	Patterson
of Eastland	Payne
Dunagan	Quinn
Dunlap of Hays	Reed of Bowie
Dunlap of Kleberg	Reed of Dallas
Duvall	Riddle
Fain	Roach of Angelina
Farmer	Roach of Hunt
Fisher	Roark
Ford	Roberts
Fox	Rogers
Frazer	Russell
Fuchs	Rutta
Gibson	Scarborough
Glass	Sessions
Good	Settle
Gray	Shofner
Hankamer	Steward
Hanna	Stinson
Hardin	Stovall
Harris of Archer	Tarwater
Harris of Dallas	Tennyson
Head	Thornton
Hill	Tillery
Hodges	Waggoner
Hoskins	Walker
Howard	Wells
Huddleston	Westfall
Hunt	Wood of Harrison
Hunter	Wood of Montague
Jackson	Young
James	Youngblood

Present—Not Voting

Luker	Roane
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Absent

Celaya	Dickison
Colson	Dwyer

England	McKinney
Graves	Morse
Hartzog	Padgett
Herzik	Petsch
Hofheinz	Reader
Holland	Smith
Jones of Atascosa	Spears
Lange	Stanfield
Leath	Venable
Lindsey	Worley

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

BILLS LAID ON TABLE SUBJECT TO CALL

The following House bills were laid on the table subject to call:

House Bill No. 1, on motion of Mr. Roach of Hunt.

House Bill No. 6, on motion of Mr. Frazer.

House Bill No. 8, on motion of Mr. Shofner.

House Bill No. 20, on motion of Mr. Lotief.

House Bill No. 22, on motion of Mr. Spears.

House Bill No. 23, on motion of Mr. Calvert.

GRANTING HERMAN VOGES PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 3, Granting Herman Voges permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted by the following vote:

Yeas—116

Adamson	Bourne
Adkins	Bradbury
Aikin	Bradford
Alexander	Broyles
Alsop	Burton
Ash	Butler of Brazos
Atchison	Butler of Karnes
Beck	Cagle
Bergman	Caldwell

Calvert	Leonard
Canon	Lindsey
Celaya	Lotief
Clayton	Lucas
Collins	Luker
Colquitt	McCalla
Cowley	McFarland
Craddock	McKee
Davis	McKinney
Davison of Fisher	Moffett
Davisson	Morris
of Eastland	Morrison
Dickison	Newton
Dunagan	Nicholson
Dunlap of Hays	Palmer
Duvall	Patterson
Fain	Payne
Farmer	Quinn
Fisher	Reader
Ford	Reed of Bowie
Fox	Reed of Dallas
Fuchs	Riddle
Gibson	Roach of Angelina
Glass	Roach of Hunt
Good	Roane
Gray	Roark
Hankamer	Roberts
Hanna	Russell
Hardin	Rutta
Harris of Archer	Scarborough
Hartzog	Sessions
Head	Settle
Herzik	Shofner
Hodges	Smith
Hofheinz	Spears
Hoskins	Steward
Howard	Stinson
Huddleston	Stovall
Hunter	Tarwater
Jackson	Tennyson
James	Thornton
Jones of Atascosa	Tillery
Jones of Falls	Waggoner
Jones of Wise	Walker
King	Westfall
Knetsch	Wood of Harrison
Lanning	Wood of Montague
Latham	Young
Leath	Youngblood
Lemens	

Nays—1

McConnell

Absent

Colson	Holland
Cooper	Hunt
Crossley	Jefferson
Dunlap of Kleberg	Jones of Shelby
Dwyer	Keefe
England	Lange
Frazer	Mauritz
Graves	Morse
Harris of Dallas	Olsen
Hill	Padgett

Petsch	Venable
Rogers	Wells
Stanfield	Worley

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

TO GRANT A. F. GASTON PERMISSION TO SUE THE STATE

Mr. Walker offered the following resolution:

H. C. R. No. 7, To grant A. F. Gaston permission to sue the State.

Whereas, The State Highway Department of the State of Texas in carrying out certain improvements on State Highway No. 28 in Wilbarger County, Texas, at a certain point on said highway where lands of A. F. Gaston adjoined said highway, did cause, according to claims of said A. F. Gaston, certain damages to his said lands, and he desires to bring suit against the State or the State Highway Department for the purpose of recovering his damages; and

Whereas, He alleges and claims that said Highway Department did cut a gap through a row of sand hills adjacent to said highway for the purpose of levying a concrete slab which was laid on said road bed and that when rains came on or about the month of June, 1935, the water from such rains rushed through said gap and washed and submerged his said lands; and

Whereas, The said A. F. Gaston of Wilbarger County, Texas, claims that the damages that were done to his lands would not have taken place had said gap been properly filled in and said sand hills placed in condition that they were before said highway was constructed; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That A. F. Gaston be, and he is hereby, granted permission to bring suit against the State or said Highway Department in a court of competent jurisdiction of Wilbarger County, Texas for the purpose of determining the compensation or damages, if any, the said A. F. Gaston is entitled to recover by reason of the premises above set out, and that any damages or compensation hereinafter determined to be owing to the said A. F. Gaston shall be paid out of the

State Highway funds; and, be it further

Resolved, That service of all necessary process may be had upon the Highway Commission of the State of Texas and the Attorney General of said State with the same force and effect as in civil cases as made and provided.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

TO GRANT S. A. CASTLEBURY PERMISSION TO SUE THE STATE

Mr. McFarland offered the following resolution:

H. C. R. No. 8, Granting S. A. Castlebury permission to sue the State.

Whereas, The State Highway Department did approve certain plans and specifications for the construction of an overpass over the tracks of the Fort Worth and Denver City Railroad Company on Highway No. 5 about two miles northwest of the City of Vernon, Texas, and said overpass has long since been completed; and

Whereas, S. A. Castlebury of Vernon, Texas did, long before the construction of said overpass, own a certain tract of land adjoining said highway at the point where said overpass was constructed and still owns said tract of land; and

Whereas, In the construction of said overpass the said Highway Department elevated the banks of said highway by filling in the bed of said highway to sufficient extent as to give the trains of the railroad sufficient passage under said highway; and

Whereas, This embankment and elevation of the highway is immediately on the south side and on the approach of the highway to Pease River; and

Whereas, Said embankment and elevation of said highway was so constructed that the south approach of said highway to said river would not prevent sufficient drainage of water on said south side of said river; and

Whereas, On or about the month of June, 1935, the properties of the said S. A. Castlebury as above mentioned were caused to be flooded and completely submerged under water and

thereby causing damage to his lands; and, according to his claims, his said lands would not have been subjected to such overflows and damages had the said highway, embankment and elevation been properly constructed with sufficient drainage; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said S. A. Castlebury be, and he is hereby, granted permission to bring suit against the State of Texas, or said Highway Department of the State of Texas in a court of competent jurisdiction of Wilbarger County for the purpose of determining the compensation or damages, if any, the said S. A. Castlebury is entitled to recover by reason of the premises above set out, and that any damages or compensation hereinafter determined to be owing to the said S. A. Castlebury shall be paid out of the State Highway funds; and, be it further

Resolved, That service of all necessary process may be had upon the Highway Commission of the State of Texas and the Attorney General of said State with the same force and effect as in civil cases as made and provided.

McFARLAND,
BUTLER of Brazos.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

TO GRANT WALTER F. HALE PERMISSION TO SUE THE STATE

Mr. Shofner offered the following resolution:

H. C. R. No. 9, Granting Walter F. Hale permission to sue the State of Texas.

Whereas, on or about the day of _____, 1935 Walter F. Hale of Belton, Bell County, Texas was employed by the State of Texas as a Texas Ranger in Company A, and that the said Hale while acting as such Texas Ranger, and while in such employ by the State of Texas, on or about the date above set out was forced to take the life of one Pablo Prieto while in the line of his duty; that thereafter, the said Hale was tried for the offense, if any, above set out, and that he was promptly acquitted, and entirely vindicated for his conduct in

the matter; that the said Walter F. Hale incurred certain expenses during the trial of the cause among which was his attorney's fee; and

Whereas, the said Walter F. Hale has never been reimbursed by the State of Texas for the amount that he was forced to expend in his defense; now, therefore, be it

Resolved by the House of Representatives, Senate concurring, That the said Walter F. Hale be hereby granted permission to bring suit against the State of Texas to recover his damage in any court of competent jurisdiction in Bell County, Texas, and that services of process shall be had upon the Attorney General of the State of Texas with the same force and effect as in civil cases, and that said cause of action shall not become barred by limitation until two years from the effective date of this Act; be it further

Resolved, That the Attorney General of the State of Texas, be, and is hereby, authorized to compromise or otherwise settle any suit brought as a result of this resolution, if, in the opinion of the Attorney General, the said Walter F. Hale is entitled to reimbursement and/or compensation by the State of Texas, and that the Comptroller be, and he is hereby, authorized and instructed to settle same in compliance therewith, and charge same against the proper fund.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

HOUSE BILL NO. 34 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 34, A bill to be entitled "An Act amending Article 7118, Revised Civil Statutes of 1925, so as to increase the rate of inheritance tax levied herein by 50% on all brackets of taxable values of estates, as amended by Acts, 1935, Forty-fourth Legislature, Page 922, Chapter 356, Section 1, amending Article 7119, Revised Civil Statutes of 1925, as amended by Acts of 1927, Fortieth Legislature, Chapter 62, Page 87; amending Article 7120, Revised Civil Statutes of 1925; amending Article 7121 Revised Civil Statutes of 1925, as amended by Acts, 1927, Fortieth

Legislature, Page 87, Chapter 62; etc., and declaring an emergency."

The bill was read second time.

Mr. Thornton offered the following committee amendment to the bill:

Amend House Bill No. 34 by adding the following paragraph to Section 5:

"Provided, however, that this Article shall not apply on property passing to or for the use of the United States or any religious, educational or charitable organization when such bequest, devise or gift is to be used within this State.

"The provisions of this Act shall not apply to property of any kind or character devised to any educational or charitable institution, controlled by the State, in whole or in part, by lease or otherwise."

THORNTON,
KNETSCH.

The amendment was adopted.

Mr. Hankamer offered the following amendment to the bill:

Amend House Bill No. 34, page 7, by adding at the end of Section 11, between lines 4 and 5, a new Section to be known as "Section 12" and by re-numbering following sections accordingly, said "Section 12" to read as follows:

"Section 12. Provided that this Act shall in no wise repeal or suspend Chapter 356, House Bill 682, Acts of the Regular Session of the Forty-fourth Legislature."

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Mr. McConnell moved that further consideration of House Bill No. 34, be postponed until 10:00 o'clock a. m., next Thursday.

Mr. Lotief moved to table the motion by Mr. McConnell.

The motion to table was lost.

Mr. Hanna moved that House Bill No. 34, be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—64

Adamson
Aikin

Alexander
Bergman

Bradford
Butler of Brazos
Butler of Karnes
Calvert
Canon
Collins
Cowley
Davis
Davison of Fisher
Dickison
Dunagan
Duvall
Dwyer
Fuchs
Gibson
Gray
Hankamer
Hanna
Harris of Dallas
Hartzog
Hill
Howard
Hunter
Jackson
Jones of Atascosa
King
Knetsch
Latham
Leath
Lemens

Adkins
Alsup
Atchison
Beck
Bourne
Bradbury
Broyles
Burton
Cagle
Colquitt
Craddock
Davisson
of Eastland
Dunlap of Hays
Fain
Farmer
Fisher
Ford
Fox
Glass
Good
Hardin
Harris of Archer
Head
Herzik
Hodges
Hofheinz
Holland
Hoskins

Ash
Caldwell

Leonard
Lindsey
Mauritz
McCalla
McConnell
McKee
McKinney
Newton
Nicholson
Olsen
Patterson
Quinn
Reader
Reed of Dallas
Riddle
Roane
Roark
Roberts
Settle
Shofner
Smith
Stanfield
Steward
Stinson
Tennyson
Thornton
Walker
Wells
Wood of Montague
Young

Nays—56

Huddleston
Hunt
Jones of Falls
Jones of Shelby
Jones of Wise
Keefe
Lanning
Lotief
Lucas
Luker
McFarland
Moffett
Morris
Morrison
Palmer
Reed of Bowie
Roach of Hunt
Rogers
Russell
Rutta
Stovall
Tarwater
Tillery
Venable
Westfall
Wood of Harrison
Worley
Youngblood

Absent

Celaya
Clayton

Colson	Morse
Cooper	Padgett
Crossley	Payne
Dunlap of Kleberg	Petsch
England	Roach of Angelina
Frazer	Scarborough
Graves	Sessions
James	Spears
Jefferson	Waggoner
Lange	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Greathouse	Pope

HOUSE BILL NO. 36 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 36, A bill to be entitled "An Act defining the term 'Dance Hall'; providing that any person, firm or corporation desiring to operate a dance hall shall apply for and secure a license from the State Comptroller of Public Accounts; levying an annual occupation tax of \$25.00 against each person, firm or corporation operating a dance hall; providing for the issuance of license by the Comptroller of Public Accounts; providing that any person, firm, corporation, partnership or association of persons operating a dance hall without having paid the occupation tax provided for herein shall be deemed guilty of misdemeanor subject to conviction and fine in any sum not less than \$25.00 nor more than \$500.00; etc., and declaring an emergency."

The bill was read second time.

On motion of Mr. Canon, House Bill No. 36, was tabled.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, (by unanimous consent) was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Alsup, Mr. Cagle and Mr. Dunagan:

H. B. No. 88, A bill to be entitled "An Act to amend Article 2968 of the 1925 Revised Civil Statutes of Texas, as amended by the First Called Session of the Forty-first Legislature, providing that the exemption certificates for the poll tax shall be secured before

the first day of February, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

ADJOURNMENT

On motion of Mr. Keefe, the House at 5:00 o'clock p. m., adjourned until 9:30 o'clock a. m., Friday, November 1.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Counties: House Bill No. 72.

Education: House Bills Nos. 70 and 71.

Public Lands and Buildings: House Bill No. 67.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, October 31, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 54, "An Act to amend Article 2956, Revised Civil Statutes of Texas, 1925, as amended by the Regular Session of the Forty-fourth Legislature, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

SIXTH DAY

(Friday, November 1, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker	Bradbury
Adamson	Bradford
Adkins	Broyles
Aikin	Burton
Alsup	Butler of Karnes
Bergman	Cagle